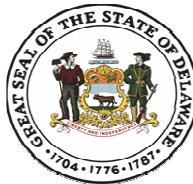


JOSEPH R. BIDEN, III
Attorney General



DEPARTMENT OF JUSTICE

NEW CASTLE COUNTY
Carvel State Building
820 N. French Street
Wilmington, DE 19801
Criminal Division (302) 577-8500
Fax: (302) 577-2496
Civil Division (302) 577-8400
Fax: (302) 577-6630
TTY: (302) 577-5783

KENT COUNTY
102 West Water Street
Dover, DE 19904
Criminal Division (302) 739-4211
Fax: (302) 739-6727
Civil Division (302) 739-7641
Fax: (302) 739-7652
TTY: (302) 739-1545

SUSSEX COUNTY
114 E. Market Street
Georgetown, DE 19947
(302) 856-5353
Fax: (302) 856-5369
TTY: (302) 856-2500

PLEASE REPLY TO:

[New Castle County-Civil Division]

May 11, 2007

The Honorable Gregory M. Sleet
United States District Court
District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801

Re: *Lewis v. Carroll, et al.,*
D. Del., C.A. No. 06-778-GMS

Dear Judge Sleet:

Please allow this letter to reflect State Defendant Thomas Carroll's response in opposition to Plaintiff's Motion for Order to Compel Defendant Thomas L. Carrol [sic] to Place Jimmie Lewis into Protective Custody (the "Motion for Preliminary Injunction") (D.I. 10).

On April 20, 2007, Inmate Jimmie Lewis, SBI #506622, asked the officers at the Delaware Correctional Center to place him in protective custody. (Exhibit A at ¶ 2). Mr. Lewis's request for protective custody was based on his belief that two inmates were threatening him while he was housed on the Special Needs Unit. (Exhibit A at ¶ 2; Exhibit B). Mr. Lewis was placed in protective custody the same day as his request and he remained there until May 4, 2007, when he was transferred to the Infirmary. (Exhibit A at ¶ 3; Exhibit C). Mr. Lewis is, at present, still housed in the Infirmary but he will be transferred back to protective custody after the medical staff in the Infirmary discharges him. (Exhibit A at ¶ 3).

The Honorable Gregory M. Sleet
May 11, 2007
Page 2

Mr. Lewis's classification in protective custody is reviewed on a weekly basis. (Exhibit A at ¶ 4). However, Mr. Lewis will remain in protective custody until he no longer believes it necessary and signs off on a statement to that effect. (*Id.*).

Because Mr. Lewis is housed in protective custody and will remain there until he no longer believes the inmates are threatening his life, State Defendant Carroll asks that Lewis's Motion for Preliminary Injunction be denied as moot.

If the Court has any questions or concerns, or believes that a more formal response from State Defendant Carroll is required, please contact the undersigned counsel at (302) 577-8400. Thank you.

Sincerely,

/s/ Erika Y. Tross

Erika Y. Tross
Deputy Attorney General
Attorney for State Defendant
Thomas Carroll

cc: Jimmie Lewis, Plaintiff
Enclosures

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JIMMIE LEWIS,)	
)	
Plaintiff,)	
)	
)	Civil Action No. 06-778-GMS
v.)	
)	Jury Trial Requested
)	
THOMAS L. CARROLL, et al.)	
)	
Defendants.)	

AFFIDAVIT OF THOMAS SEACORD

I, Thomas Seacord, having been duly sworn by law, do hereby depose and state as follows:

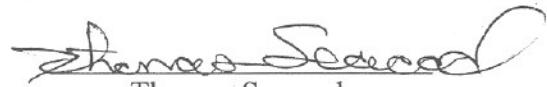
1. I am employed by the State of Delaware Department of Correction (“DOC”) as a Lieutenant in the Classification Office at the Delaware Correctional Center (“DCC”), Smyrna, Delaware. I have been employed by DCC since May 30, 1989 and have worked in the Classification Office since August 1, 2005.

2. On April 20, 2007, Inmate Jimmie Lewis, SBI #506622, requested that he be moved to protective custody. Inmate Lewis stated that the reason he was requesting protective custody was because two inmates were threatening him while he was housed on the Special Needs Unit. Inmate Lewis was transferred to protective custody – Building 18, Tier C, Cell 12 – that same day.

3. Approximately two weeks later, on May 4, 2007, Inmate Lewis was transferred to the Infirmary at DCC for treatment. Inmate Lewis is, at present, still

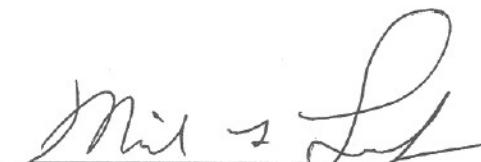
housed in the Infirmary. He will be transferred back to protective custody when he is discharged from the Infirmary.

4. When Lewis returns to protective custody I, along with another counselor, will review his classification on a weekly basis. Inmate Lewis, however, will remain in protective custody until he requests removal by signing off on a statement that he no longer believes protective custody is necessary.



Thomas Seacord

SWORN AND SUBSCRIBED before me this 10th day of May, 2007.



Notary

EXHIBIT B

Protective Custody

20	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
21	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
22	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
23	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
24	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
25	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
26	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
27	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
28	Lewis, Jimmy	506622	INF	4/20/2007	Carjacking 2nd, Theft over \$1000	11/1/2008	Signed on stating that 2 inmates in SNU were threatening to beat him up. Both inmates denies claim and Lewis admits to not taking meds	?
29	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
30	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	

EXHIBIT C

Delaware Department of Correction - [Offender Housing Details and History - MOV_OHDH] -
Offender Housing Details and History Report Created on Tuesday May 8, 2007 13:19

Select Offender SBI Number	Name	R/S	SENTAC	Sec/Cust
PO	Location	Multi Status	Location	
00506622	LEWIS JIMMY	B	V	
	DCC - 02 M N			
Bed	Facility	Tier / Pod	Building	
Cell	Wing / Unit	Floor	Bed Type	Date Entered
Time Entered	Date Departed	Time Departed	Comments	
Single	DCC Delaware Correctional Center	Tier C	Bldg 18	
Cell 2		Upper		09/13/2006
12:12	10/05/2006	12:17		
Single	DCC Delaware Correctional Center	Tier C	Bldg 17	
Cell 1		Upper		10/05/2006
12:17	11/01/2006	02:29		
Single	DCC Delaware Correctional Center	Tier D	Bldg D/Infirmary	
Cell 190				11/01/2006
02:29	11/01/2006	11:39		
Bottom	DCC Delaware Correctional Center	Tier D	Bldg 23	
Cell 2		Upper		11/01/2006
11:39	04/05/2007	20:11		
Single	DCC Delaware Correctional Center	Tier D	Bldg D/Infirmary	
Cell 190				04/05/2007
20:11	04/13/2007	12:26		
Bottom	DCC Delaware Correctional Center	Tier D	Bldg 23	

Cell 2		Upper		04/13/2007
12:26	04/20/2007	10:59		
Single	DCC Delaware Correctional Center	Tier C	Bldg 18	
Cell 12		Upper		04/20/2007
10:59	05/04/2007	11:36		
Single	DCC Delaware Correctional Center	Tier D	Bldg D/Infirmary	
Cell 188				05/04/2007
11:36				